

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:11cr10

UNITED STATES OF AMERICA,

vs.

JAMES W. "BILL" BAILEY, JR.

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ORDER

THIS MATTER is before the Court on the Government's Motion for Order Authorizing Destruction of Files [Doc. 558]. Several Petitioners/Claimants and other Interested Parties have filed Responses, opposing the Government's Motion. [Docs. 561, 566].

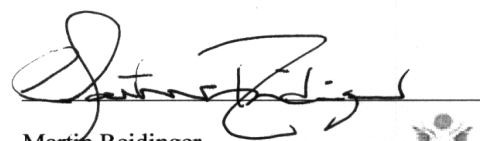
Upon review of the Government's Motion and attachments thereto, as well as the Responses of the Petitioners/Claimants and other Interested Parties, the Court finds that the Government and North Carolina Bar have provided notice via the Asheville Citizen-Times to present and former clients of Southern Financial Services, 1031 Exchange Services, James W. Bailey, Jr., and Keith Henry that such clients should claim any client files within the time periods set forth in the newspaper notices cited by the Government. Furthermore, the Defendant has waived any claim to such files, Southern

Financial Services, or 1031 Exchange Services, and agreed that the files may be treated as abandoned property. In addition, the parties to the ancillary forfeiture proceeding have been given opportunity to review and copy any files that could be used to support any claims.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Government's Motion for Order Authorizing Destruction of Files [Doc. 558] is **GRANTED**, and the Government is hereby authorized to destroy any files that (1) have not been claimed, within the time periods set forth in the newspaper notices, by former or present clients of Southern Financial Services, 1031 Exchange Services, James W. Bailey, Jr. and/or Keith Henry; (2) do not pertain specifically to victims entitled to restitution in this matter; and (3) do not pertain specifically to the petitioners in the forfeiture ancillary proceeding; and (4) are not otherwise subject to subpoena by the North Carolina State Bar.

IT IS SO ORDERED.

Signed: October 9, 2012


Martin Reidinger
United States District Judge

